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09/707,194	11/06/2000	Gary Odom		8360

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EXAMINER

NGUYEN, CAO H

ART UNIT PAPER NUMBER

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Paper No. 10

Application Number: 09/707,194
Filing Date: November 06, 2000
Appellant(s): ODOM, GARY

Gary Odom
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed on 03/02/04

(1) *Real Party in Interest*

.A statement identifying the real party in interest is contained in the brief.

(2) *Related Appeals and Interferences*

The brief does not contain a statement identifying the related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief. Therefore, it is presumed that there are none. The Board, however, may exercise its discretion to require an explicit statement as to the existence of any related appeals and interferences.

(3) *Status of Claims*

The statement of the status of the claims contained in the brief is correct.

(4) *Status of Amendments After Final*

No amendment after final has been filed.

(5) *Summary of Invention*

The summary of invention contained in the brief is correct.

(6) *Issues*

The appellant statement of the issues in the brief is correct

(7) *Grouping of Claims*

Appellant's brief includes a statement that claims 5, 7-8, 10-11, 15-20 do not stand or fall together Appellant's brief does include reasons (brief, pages 6, statement).

(8) *Claims Appealed*

The copy of the appealed claims contained in the Appendix to the brief is correct.

Art Unit: 2173

(9) Prior Art of Record

5,644,737

Tuniman

7-1997

(10) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

1. Claims 5, 7-8, 10-11, 13 and 15-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Tuniman et al. (US Patent No. 5,644,737).

Claim 4, is not in fact canceled . Claim 4 should not have appeared in appendix.

The Tuniman '737 METHOD AND SYSTEM PROVIDING A COMPUTER FOR STACKING TOOLBARS IN A COMPUTER DISPLAY patent teaches the limitations recited in claim 5, Tuniman discloses software from at least one computer-readable medium(s) directly altering the length of a tool group in a toolbar exclusive of editing any tools in said group or altering the length of said toolbar [..A stacked toolbar can also be docked on the left or right edges of the display screen or window to convert it to a vertical toolbar, such as a toolbar ... see col. 7, lines 32-58].

Regarding claim 7, Tuniman discloses contracting the length of a tool group to hide at least one tool without a change in tool bar length [..Resizing is limited or controlled by a resizing algorithm to ensure that the area of the floating toolbar is sufficient to display all of the graphic objects on any toolbar in the stack. Thus, if the user decrease the length of the floating stacked toolbar, its width will increase automatically by an amount that accommodates the minimum area required by any toolbar in the stack... see col. 8, lines 10-23].

Art Unit: 2173

Regarding claims 8 and 11, Tuniman discloses directly manipulating a tool group divider [see figures 3-4].

Regarding claim 10, Tuniman discloses expanding the length of a tool group to reveal at least one previously hidden tool without a change in toolbar length [..the user can cause the graphic objects comprising the Office group to be fully disclosed as shown on a stacked toolbar col. 9, lines 13-33 and figure. 7].

Regarding claim 13, Tuniman discloses Software from at least one computer-readable medium directly merging two toolbars into one (see col. 10, lines 34-67).

Regarding claim 15, Tuniman discloses automatically rearranging at least one tool based upon relative usage frequency of tools within a toolbar group [..a user will arrange a number of frequently used applications in different groups based on subject matter or common task relationship.; see col. 1, lines 30-37.]

Regarding claims 16-18, Tuniman discloses preventing at least one tool from being rearranged; and automatically rearranging at least one group of a tools on a toolbar based upon aggregate usage frequency of tools within a tool group compared to another group (see col. 1, lines 38-53 and figures 6-80).

Regarding claim 19, Tuniman discloses Software from at least one computer-readable medium directly selecting and moving a group of tools within a toolbar [..to drag the graphic object that is selected onto a toolbar comprising the stack, thereby adding the graphic object to

the group of graphic objects within the toolbar; see col. 17, lines 12-17].

Regarding claim 20, Tuniman discloses Software from at least one computer-readable medium directly merging a group of tools on a toolbar with another group of tools [...for adding and removing a selected graphic object respectively to and from the groups of graphic objects comprising the toolbars in the stack, by dragging and dropping the selected graphic object.; see col. 18, lines 43-48.]

(11) Response to Argument

At page 6, of the brief, appellant attempts to distinguish “altering the length of a tool group in a toolbar exclusive of editing any tools in said group or altering the length of said toolbar” from Tuniman’s “plurality of toolbars that include graphic objects, which are arranged in a stack”, arguing that Tuniman fails to anticipate “separating tool groups within a toolbar”. However, what is actually recited in independent claims 5, 13, 15, 17 and 19-20 are how to directly altering the length of a tool group in a toolbar exclusive of editing any tools in said group or altering the length of said toolbar. This is anticipated as shown by the reference to Tuniman, which states “A stacked toolbar can also be docked on the left or right edges of the display screen or window to convert it to a vertical toolbar, such as a toolbar. When floating away from the screen or window edge, a stack toolbars can be readily resized by the user. It is contemplated that a dock toolbar might also be resizable. Although a floating stacked toolbar can

also extend in a single row/column array of graphics objects if so sized by the user.." see col. 7, lines 32-67. However, toolbars holding a variety of selectable tools were created to offer users click access to actions and to enhance a user friendly interface.


At page 7, of the brief; Appellant argues that Tuniman does not teach or suggest "merge". However, the limitations as claimed are clearly anticipated as by the prior art that "the toolbar has been dragged into contact with the stacked toolbar snaps to the stack size and the graphic objects on the newly added toolbar are fully display." see col. 13, lines 40-45. This teaching, while not explicitly reciting the word "merge", as pointed out by appellants, clearly teach a merge function as the objects of one toolbar have been added an additional toolbar to the stack.

(12) Conclusion

For the above reasons, it is believed that the rejections of claims 5, 7-8, 10-11, 13 and 15-20 are rejected under 35 U.S.C. 102(b) are proper should be sustained

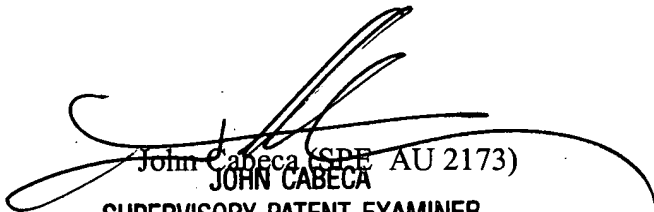
Art Unit: 2173

Respectfully submitted,


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PRIMARY EXAMINER

May 2, 2004

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